



Serial No. 08/446,431
Docket No. 5634.0150

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appointment of

John C. Harvey and James W. Cuddihy

Serial No. 08/446,431

Filed: May 22, 1995

For: **SIGNAL PROCESSING APPARATUS
AND METHODS**

Examiner:

Vu, H.

Group Art Unit:

2733

Atty Dkt.

5634.0150

*#57 Reg for
Recons.
May
6-4-98*

Submission Under 37 C.F.R. § 1.129(a)

BOX: AFTER FINAL

Assistant Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Applicants request that the finality of the final rejection dated December 23, 1997 be withdrawn in view of this timely filed first submission under 37 C.F.R. § 1.129(a). Our Check No. 156428 is enclosed for payment of the fee set forth in 37 C.F.R. § 1.17(r). The present application has an effective pendency of at least two years as of June 8, 1995, taking into account any reference of record to any earlier filed application under 35 U.S.C. § 120, 121 and 365(c). This petition and the fee set forth in § 1.17(r) are being filed prior to the filing of an appeal brief and prior to abandonment of the application. Applicants therefore respectfully request that the amendment and request for reconsideration filed on February 23, 1998 be entered.

Applicants respectfully request a one (1) month extension of time in which to respond to the Final Office Action mailed December 23, 1997, for which a response period expiring on March 23, 1998 was set. The extended period expires on April 23, 1998. However, if additional extensions of time are necessary to prevent abandonment

of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §
1.136(a), and any fees required therefore are hereby authorized to be charged to our
Deposit Account No. 08-3038.

Date: March 30, 1998
HOWREY & SIMON
1299 Pennsylvania Avenue, NW
Washington, D.C. 20004-2402
Tel: (202) 783-0800

Respectfully submitted,

Thomas J. Scott, Jr.
Thomas J. Scott, Jr.
Reg. No. 27,836
Attorney for Applicants